

FISCAL NOTE

SB 96 – HB 829

February 10, 2007

SUMMARY OF BILL: Increases punishment for offense of leaving the scene of an accident. Offense resulting in death not known to the defendant is increased from a Class A misdemeanor to a Class E felony. Offense resulting in death known to the defendant is increased from a Class E to a Class D felony with a minimum sentence of five years with no parole or sentence credits. All leaving the scene convictions served consecutively to sentence for any related conviction and driver's license revoked for at least one but not more than three years.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$775,700 / Incarceration*

Assumptions:

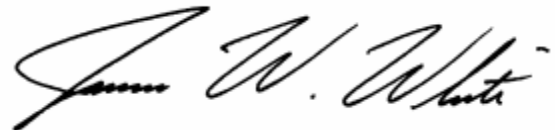
- According to the Administrative Office of the Courts, there has been an average of 49 misdemeanor convictions per year for the past three years for leaving the scene of an accident. The Department of Correction (DOC) estimates four percent (2) of those misdemeanor convictions involved the driver not knowing a death occurred and would be convicted of a Class E felony under this bill.
- Two persons will be convicted of a Class E felony for leaving the scene of an accident resulting in death unknown to the defendant and will serve 0.3 years (109.58 days). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The cost for two additional offenders is \$13,184.66 (\$6,592.33 x 2).
- One person each year will be convicted of a Class D felony for leaving the scene of an accident resulting in death known to the defendant and will serve five years (an increase from 0.3 years for a Class E to 5.0 years for a Class D at 100%). The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The cost per inmate at 5.0 years is \$109,867.20 (\$60.16 x 1,826.25 days). The total additional cost from increasing the average sentence length from 0.3 years to 5.0 years is \$103,274.87 (\$109,867.20 - \$6,592.33).

- Fifty-three convictions for vehicular homicide in FY06. DOC estimates that 10 percent involved leaving the scene. In the first year, five sentences for vehicular homicide will be served consecutively rather than concurrently as under current law.
- According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past 10 years. Population growth of 1.09 percent per year will result in one additional sentence for vehicular homicide served consecutively in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 6 offenders serving five years at 100%. The cost per inmate at 5.0 years is \$109,867.20 (\$60.16 x 1,826.25 days). The total additional cost for six offenders is \$659,203.20 (\$109,867.20 x 6).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and a distinct "W".

James W. White, Executive Director